D.B.C.SPECIAL APPEAL (writ petition) NO. 157/2006
(Smt. Nathi Devi and Anr. Vs. Civil Judge (Sr.Div.) & Ors.)

20.4.2006

HON'BLE MR RAJESH BALIA, J.
HON'BLE MR R.P. VYAS,J.

Mr. P.S. Bhati, for the appellants

Having heard learned counsel for the appellants, we are of the opinion that it is not a case for interference in the special appeal. The appellants having granted permission for facing election, his preliminary objection has been rejected by the trial judge. Aggrieved against the said order, the writ petition was filed.

The learned Single Judge has observed that apart from the defective particulars no other issue seems to have been pressed, after questioning the learned counsel specifically about other issue. This appeal is not directed against the conclusion reached by learned Single Judge about question discussed by him but relates to other issue not mentioned in order under appeal.

Learned counsel for the appellants states that finding about not pressing the other issue before the trial court or the learned Single Judge is erroneous.

We are of the opinion that in such event proper remedy to the appellants would have been to seek review of the order relating to the proceeding of the

court and not to get it examined by way of appeal.

Accordingly, the appeal stands dismissed.

(R.P.VYAS), J. (RAJESH BALIA),J.

/rm